



SB 1383

Short-Lived Climate Pollutants (SLCP): Organic Waste Methane Emissions Reductions



Organic Waste Reduction Goals

Methane emissions reduction goals shall include the following targets to reduce the landfill disposal of organics:

- A 50-percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020.
- A 75-percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2025.

(HSC 39730.6)



Regulatory Authority to Achieve Goals

- 42652.5. (a) The department, in consultation with the State Air Resources Board, shall adopt regulations to achieve the organic waste reduction goals for 2020 and 2025 established in Section 39730.6 of the Health and Safety Code.



Edible Food

The regulations:

- Shall include requirements intended to meet the goal that not less than 20 percent of edible food that is currently disposed of is recovered for human consumption by 2025.
(42652.5(a)(2))



Permissive in Regulations Regarding Jurisdictions

- May require local jurisdictions to impose requirements on generators or other relevant entities within their jurisdiction and may authorize local jurisdictions to impose penalties on generators for noncompliance.
(42652.5(a)(1))
- May include different levels of requirements for local jurisdictions and phased timelines based upon their progress in meeting the organic waste reduction goals for 2020 and 2025 established in Section 39730.6 of the Health and Safety Code. The department shall base its determination of progress on relevant factors, including, but not limited to, reviews conducted pursuant to Section 41825, the amount of organic waste disposed compared to the 2014 level, per capita disposal rates, the review required by Section 42653, and other relevant information provided by a jurisdiction.
(42652.5(a)(4))



Permissive in Regulations Regarding Enforcement

- May include penalties to be imposed by the department for noncompliance. If penalties are included, they shall not exceed the amount authorized pursuant to Section 41850. (42652.5(a)(5))



Limits on the Regulations

- Shall not establish a numeric organic waste disposal limit for individual landfills. (42652.5(a)(3))
- Shall take effect on or after January 1, 2022, except the imposition of penalties pursuant to paragraph (1) shall not take effect until two years after the effective date of the regulations. (42652.5(a)(6))



Local Fees

- A local jurisdiction may charge and collect fees to recover the local jurisdiction's costs incurred in complying with the regulations adopted pursuant to this section. (42652.5(b))



Key Definitions/Baseline

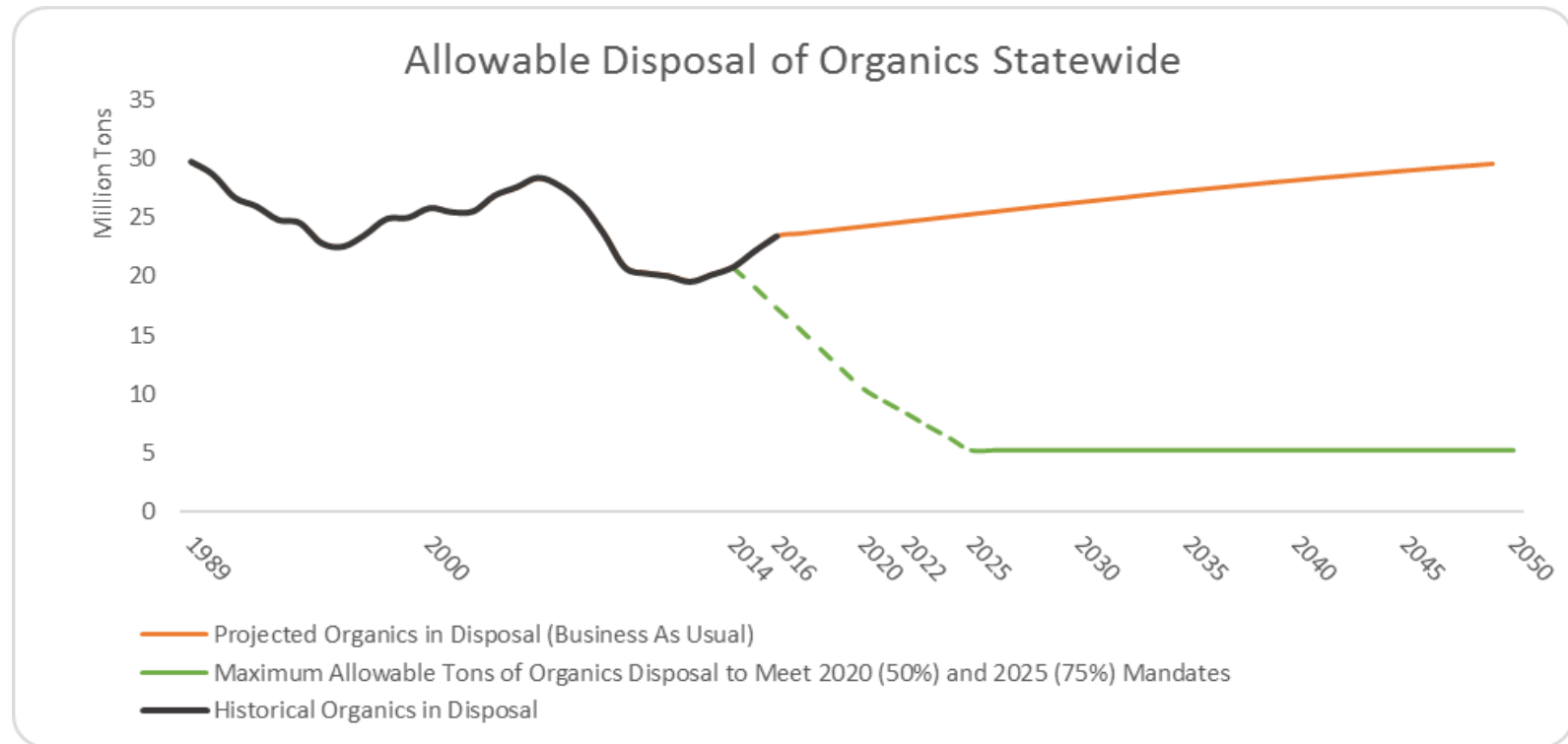


Organic Waste

Solid wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food, green waste, landscape and pruning waste, applicable textiles and carpets, wood, lumber, fiber, biosolids, digestate and sludges.

Baseline

- 50% below 2014 level by 2020
- 75% below 2014 level by 2025





Stakeholder Input

- Additional terms that need to be defined
- Questions regarding the baseline
- Questions relative to authority



Organics Collection



Organic Waste Collection Services

*To decrease landfilling to the level required by 2025, **generators must source reduce and have access to organic waste collection services.***

*How can the state **ensure that all generators have access to organics collection and recycling?***

How could this be addressed in regulations?



Organic Waste Collection

Concepts Identified

- Local organic waste collection **services provided to all residential and commercial generators**
- Organic waste **recycling bins located where public refuse bins are located** (e.g., park trashcans, cafeterias, etc.)
- Reinforce **CalGreen Building Standards** related to organic waste



Ensure Collected Organics Are Recovered

Concepts Identified

- **Single Stream Program:**
 - Local waste services include source-separated organics recycling
 - Local waste services include non-putrescible organics (i.e., paper and cardboard, cartons) in curbside recycling programs
- **Mixed Waste Program:** Local waste services include mixed waste that specifically recycles organic waste
- **Recovery rates** for organics processing and recycling facilities



Ensure Collected Organics Are Recovered (continued)

Concepts Identified

- **Biweekly hauling of refuse and curbside recycling bins** where weekly source-separated organics recycling services are provided
- Identify appropriate **end-uses for processed organics**



Generator Participation

Concepts Identified

- Organics collection services provided are **mandatory**
- Allow generators not participating in jurisdiction's collection services to recycle material **on-site, or backhaul/self-haul** material to a facility that recycles organic waste
- Source reduction



Managing Contamination

Concepts Identified

- **Local public education and outreach** efforts
- **Compliance monitoring** by jurisdictions and haulers
- **Inspection, monitoring, and reporting of contamination** by haulers and facilities
- Local programs to **address “other” organics; specify materials** that should or should not be placed in organics bins (e.g., composite or coated paper, textiles)



Infrastructure Capacity and Market Development

- *CalRecycle recognizes the **need for organics recycling capacity development***
- *Proper **capacity planning** initiated*
- *Some market drivers exist and many **ongoing activities are occurring** to address facility development and market issues*
- *Within context of these regulations, **how can the state ensure that recycling options are available for all collected organics?***



Infrastructure and Capacity Planning

Concepts identified:

- Expand AB 876 (McCarty) organics recycling capacity planning requirements: include **plans from jurisdictions if they have less than 15 years capacity**
- Planning for **edible food recovery capacity and programs**
- **Consult with environmental justice community** for facility permitting
- Account for organics disposal reductions in **landfill financial assurance planning**



Market Development

- Purchasing and procurement for recycled organic products
 - Compost
 - Mulch
 - Biogas
 - Cardboard
 - Paper
 - Building materials
- Market development tools
 - Incentives/subsidies
 - Procurement mandates



Stakeholder Input

- *What additional or alternative concepts could help ensure that generators **source reduce** and that the **maximum amount of collected organics are recovered**?*
- *What additional or alternative concepts can **increase or improve generator participation** in organics recycling collection services?*
- *What additional or alternative concepts can **manage or reduce contamination**?*
- *What additional or alternative concepts can **increase or improve infrastructure capacity and financial planning**?*
- *What additional or alternative concepts can **strengthen markets for recycled organic products**?*



Edible Food Recovery Concepts



Edible Food Recovery

- 20% statewide goal by 2025
- ~5-6M Tons of Food Disposal Annually in CA
- Focused on Food Destined for Landfills
- Program Development and Measurement



Edible Food Definition

DRAFT! DRAFT! DRAFT!

Food intended for human consumption. In order for this edible food to be recovered, it must meet applicable public health and food safety standards.



Generator Access to Food Recovery

- Jurisdiction Food Recovery Programs
- Edible food pick-up services for generators
- Edible food recovery services as part of event permits (e.g., farmers' markets, festivals)



Generator Participation in Food Recovery

- Food donation plans for all public facilities
- Food donation plans for edible food generators
- Formal arrangements between edible food generators and food recovery organizations
- Local public education and outreach efforts
- Compliance monitoring by jurisdictions



Tracking and Reporting Edible Food

- Generator reporting of food donations
- Food recovery organization reporting on food donations received



Stakeholder Input

- *Other ideas for providing generator access to edible food recovery programs?*
- *Other ideas for ensuring generator participation in food recovery programs?*
- *Other ideas for tracking, measuring and reporting data on edible food recovery?*
- *What are the opportunities to capture additional recoverable food? Where and how?*
- *What would help your organization to recover more edible food?*



Reporting Concepts



SB 1383 Reporting

- Monitoring Program Effectiveness
- Tracking Organic Waste Reduction and Methane Reduction Mandates



SB 1383 Reporting

Existing Reporting Systems and Databases

Electronic Annual Report (EAR)

- Jurisdictions

Solid Waste Information System

- Facilities

Biomass Conversion Facility Reporting

- Biomass Facilities (as defined in PRC 40106)



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Existing Reporting Systems and Databases (Continued)

Waste Tire Hauler Manifest Program

- Generators of used/waste tires
- Used and Waste Tire Haulers
- End-use facilities

Disposal Reporting System (DRS)

- Counties
- Disposal Facilities

Diversion and Disposal Reporting System (DDRS)

- *Transfer Stations and Processing Facilities*
- *Recycling and Composting Facilities and Operations*
- *Disposal Facilities*
- *Transporters and Brokers*
- *Haulers*



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Potential Reporting Entities

- Jurisdictions
- Haulers
- Solid Waste Facilities and operations
- End-users
- Generators
- Edible Food Recovery Organizations



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Potential Reporting Relationships/Mechanisms

- Report directly to CalRecycle (i.e. biomass reporting, waste tire reporting)
- Report to county(i.e DRS) – County collect data and report to CalRecycle
- Local or state Licensing/ permitting /registering of haulers of specified threshold



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Monitoring Program Effectiveness

- Organics recycling program implementation
- Edible food recovery program implementation
- Compliance and enforcement actions
- Number of generators served
- Contamination levels and efforts to reduce contamination
- Local rate structures



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Tracking Organic Waste Reduction and Methane Reduction Mandates

- Facility organic recovery rates
- Jurisdiction organic recovery rates
- Origin of collected organics
- Type of organics collected
- Collection method
- Facility rejection of contaminated organics
- Destination, and end-use of collected/processed organics



SB 1383 Reporting

Stakeholder Input

- *Are there other data items that would assist in monitoring program implementation?*
- *Are there other data items that could assist in quantifying methane emissions from the waste sector?*
- *Are particular entities better suited to provide specific information?*
- *What is the most efficient reporting method?*



Enforcement Concepts

Intention & Purpose



Potential Enforcement Responsibilities?

CalRecycle: enforcement over

- Jurisdictions – remain similar
- All or some other entities subject to regulations?

Jurisdictions: enforcement over

- Haulers?
- Generators?

Local Enforcement Agencies (LEA): enforcement over

- Solid waste facilities?



What are the appropriate Compliance and Enforcement Roles?

Two Aspects:

- Compliance monitoring
- Enforcement

Role Options:

1. State enforcement for all or some of the entities
2. Delegated enforcement to local government with state oversight
3. Joint state and jurisdiction enforcement authority on all entities
4. Optional delegated authority to jurisdictions
5. Partial delegated authority



Potential: Compliance and Enforcement Roles?

- 1. State enforcement for all or some of the entities**
 - *Jurisdictions and other agencies (state agency) – status quo*
 - *State would enforce regulations over other entities subject to requirements*

- 2. Delegated enforcement to local government with state oversight**
 - *State would delegate the enforcement of the regulations to local government*
 - *State would have oversight over jurisdiction enforcement*



Potential: Compliance and Enforcement Roles?

3. Joint state and jurisdiction authority

- *State and jurisdiction could both have equal enforcement authority for entities*

4. Optional delegated authority

- *Local government could choose to enforce on entities*



Potential: Compliance and Enforcement Roles?

5. Partial delegated authority

- *Local government can monitor compliance and document notice of violations and then delegate enforcement to the State*
- Note: Enforcement responsibilities on state agencies and other entities outside the local jurisdiction's authority will be with the state.



Questions and Discussion

Which entities should be responsible for enforcement?
Why?

Which entities should be held to the proposed standards?
Why?

What are the appropriate compliance and enforcement
roles for state and local for each entity? Why?



Discussion of AB 939



AB 939 Questions

- *In addition to potential regulatory concepts related to SB 1383's mandates, CalRecycle also seeks input on the existing AB 939 jurisdiction review process in light of these new waste reduction mandates.*
- *I.e., what about the 939 process might be updated, changed or made more effective?*



Formal Review Process:

- Are there ways to streamline the formal jurisdiction review process?
- What should CalRecycle's formal review of jurisdictions' AB 939 programs look like in 2022?
- How can we ensure that AB 939 programs are maintained?
- Should CalRecycle apply the same authority as it has for MCR and MORE (i.e., to review a jurisdiction at any time for failure to adequately implement a single program) to other programs such as procurement requirements or C&D?




Annual Reporting Process:

- Are there ways to streamline the annual reporting process?
- Should and how can we modify/adjust the reporting process to make it more effective for jurisdictions and CalRecycle?



Planning Requirements:

- Are there ways to streamline or update existing planning requirements?
- Should provisions such as the 5-year review report and summary plan document be deleted?
- What other statutory provisions should be deleted?
- Should additional planning requirements be considered?



AB 939 Jurisdiction Program Specificity:

- Are existing program requirements specific enough to allow jurisdictions and CalRecycle to know if the programs were implemented adequately?
- Should programs be prescribed with specific best management practices?
 - For example, should C&D programs be required to have education for permit applicants, an ordinance, implementation of CalGreen requirements, etc.



AB 939 Enforcement Process:

- Are there any recommended changes to the enforcement process?
- Should the enforcement process be expedited?



AB 939 Questions and Discussion

- Jurisdiction formal review
- Annual reporting
- Planning requirements
- Jurisdiction program specificity
- Enforcement process



Contact

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